

NOT DESIGNATED FOR PUBLICATION

No. 126,772

IN THE COURT OF APPEALS OF THE STATE OF KANSAS

MEKA RICHARDSON,
Appellant,

v.

STATE OF KANSAS,
Appellee.

MEMORANDUM OPINION

Appeal from Wyandotte District Court; MICHAEL A. RUSSELL, judge. Submitted without oral argument. Opinion filed July 26, 2024. Affirmed.

Joseph A. Desch, of Law Office of Joseph A. Desch, of Topeka, for appellant.

Kirstyn D. Malloy, assistant district attorney, *Mark A. Dupree Sr.*, district attorney, and *Kris W. Kobach*, attorney general, for appellee.

Before MALONE, P.J., HURST and COBLE, JJ.

PER CURIAM: Meka Richardson appeals the district court's summary denial of her K.S.A. 60-1507 motion. Richardson was convicted of one count of first-degree murder and one count of aggravated robbery committed in 1992; she received a life sentence without the possibility of parole for 40 years (hard-40). Her convictions and sentence were affirmed by the Kansas Supreme Court in *State v. Richardson*, 256 Kan. 69, 89, 883 P.2d 1107 (1994). In 2003, Richardson filed her first K.S.A. 60-1507 motion, in which she alleged that she received ineffective assistance of counsel. *Richardson v. State*, No. 92,412, 2006 WL 1318802 (Kan. App. 2006) (unpublished opinion). The district court

summarily denied her motion, but this court remanded for an evidentiary hearing. 2006 WL 1318802, at *3. On remand, the district court found that Richardson did not receive ineffective assistance of counsel. On appeal, this court found the record supported the district court's decision. *Richardson v. State*, No. 97,514, 2008 WL 2081026 (Kan. App. 2008) (unpublished opinion). In 2010, Richardson filed a second K.S.A. 60-1507 motion in which she alleged prosecutorial misconduct and ineffective assistance of counsel. *Richardson v. State*, No. 104,302, 2012 WL 1252724 (Kan. App. 2012) (unpublished opinion). The district court summarily denied the motion on the procedural grounds of successiveness and untimeliness, and this court affirmed. 2012 WL 1252724, at *4.

In March 2023, Richardson filed a third K.S.A. 60-1507 motion, alleging prosecutorial error in closing argument at her trial and errors in the hard-40 proceedings. The district court summarily denied relief for Richardson in a 16-page order. The district court found that Richardson's motion was untimely under K.S.A. 2023 Supp. 60-1507(f) and that she failed to show manifest injustice to excuse the late filing. The district court also carefully explained that Richardson had not shown exceptional circumstances to excuse her successive filing because there were no intervening changes in the law and the issues she was trying to raise had been addressed and rejected by prior courts.

After thoroughly reviewing the record, we agree with the district court's decision. Richardson's K.S.A. 60-1507 motion was untimely, and she failed to show manifest injustice defined in K.S.A. 2023 Supp. 60-1507(f)(2)(A) to excuse her late filing. The district court also properly found that Richardson did not show exceptional circumstances to excuse her successive filing. See K.S.A. 2023 Supp. 60-1507(c) and Supreme Court Rule 183(d) (2024 Kan. S. Ct. R. at 241). We find the district court committed no reversible error in denying Richardson's third K.S.A. 60-1507 motion and the written order filed by the district court adequately explains the reasons for its decision.

Affirmed under Supreme Court Rule 7.042(b)(5) (2024 Kan. S. Ct. R. at 49).